TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1927
Wednesday, May 12, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Broussard Secretary	Ballard	Gardner Hester	Linker, Legal Counsel
Buerge 2nd Vice Chairman		Stump Wilmoth	
Carnes			
Dick			
Doherty, Chairman			
Horner			
Midget, Mayor's Designee			
Neely			
Parmele, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, May 11, 1993 at 11:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of April 28, 1993, Meeting No. 1925:

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-1** (Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; Broussard "abstaining"; Ballard, Dick, Midget "absent") to **APPROVE** the minutes of the meeting of April 28, 1993 Meeting No. 1925.

REPORTS:

Report of Receipts and Deposits:

Mr. Gardner presented the Report of Receipts and Deposits and advised that all items were in order.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Wilson, absent") to **APPROVE** the Report of Receipts and Deposits for the month ended April 30, 1993.

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Chairman's Report:
Chairman Doherty announced receipt of a memo from the City requesting TMAPC input regarding the budget process on May 24, 1993. He announced that a draft of the TMAPC monthly report to City Council has been distributed to the Planning Commissioners and asked that it be reviewed for any changes or additions before transmittal.

Director's Report
Mr. Gardner announced that there are no zoning items on the City Council agenda.

CONTINUED ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: **Z-5956** Present Zoning: CO
Applicant: John Moody Proposed Zoning: CO
Location: Southeast corner of E. 61st St. & S. 107th E. Ave.
Date of Hearing: May 12, 1993

Chairman Doherty announced receipt of a timely request for continuance to May 26, 1993 from the applicant.

There were no interested parties present.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget absent") to **CONTINUE** Z-5956-SP-2 to May 26, 1993.

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ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: **PUD 405-A/Z-5722-SP-3** Present Zoning: CO
Applicant: Ted Sack Proposed Zoning: CO
Location West & north of the NW corner of Memorial Dr. & the Creek Turnpike.
Date of Hearing: May 12, 1993
Presentation to TMAPC: Ted Sack

Chairman Doherty announced that interested parties have requested a continuance for this item and noted that the request is not timely.

Mr. Parmele asked the record reflect that he will be abstaining from this item due to conflict of interest.

Interested Parties

Gentra Sorem **2400 First National Tower**
Conner & Winters
Ronald Ripper **8713 Salisbury Lane, Oklahoma City, OK 73132**

Ms. Sorem, attorney, representing Herb Oven, Jr., owner of property located south of the subject tracts, advised that her client did not receive timely notice of this item. Ms. Sorem advised that her client happened upon this request May 5, when he was at the INCOG offices on a separate matter. She requested continuance of this item to allow her client time to review the application.

In response to questions from Chairman Doherty, Mr. Gardner informed that notice was sent to property owners of record within 300' of the tract in question. He stated that, according to records from the County Assessor's office, the owner of record was 9100 Memorial Association and this is where notice was sent.

Ms. Sorem declared that Mr. Oven's property deed is dated March 24, 1993, and she advised that it is her understanding the applicant was aware of who the current owners were of this tract.

Applicant's Comments

Ted Sack **110 S. Hartford 74120**
Sack & Associates

Mr. Sack, representative for Cellular One, advised being aware that Mr. Oven was involved in the abutting property, but allowed normal notice to go out from INCOG. He noted that representatives from Cellular One were in attendance and are anxious to move forward on this project. He asked that this item be heard today.

Chairman Doherty asked Mr. Sack if he had reason to believe that Mr. Oven was aware of this application.

Mr. Sack replied that he thought Mr. Oven was aware of the application because of telephone conversations with Mr. Oven advising him of application being made on the subject property.

Ms. Sorem questioned the notification procedure, expressing concern that current property owners did not receive proper notice.

Mr. Linker advised that the ordinance requires that property owners of record are to be notified, not just those as listed on the tax rolls provided by the County Assessor's office. He concluded that if notice was not given to property owners of record as of the date the notice was sent, it would be defective. Mr. Linker advised that checking the record at the County Clerk's office as to the record owner of each tract would be the correct procedure.

Mr. Parmele informed that the County Assessor's office does not update their records after March 1 of each year. He declared that notice was sent to 9100 Memorial Associates, of which Mr. Oven was a partner. Mr. Parmele reported meeting with Mr. Oven and David Cordell, attorney, April 15. There were a number of questions asked by Mr. Cordell, of Conner Winters, and Mr. Oven asked

questions pertaining to the Cellular One application regarding location and applicability.

Mr. Linker declared that legally notice would have to be mailed to the record owners of the property by their name to be in compliance with notification requirements.

There was much discussion over whether the notice might be defective, thereby making the process defective.

Mr. Neely stated that if there is a problem with any deed filings after March 1 not being recorded until the following year, then the process is defective.

Ms. Sorem conceded that her client may have known that action was going to take place, but as to when and how there was going to be discussion, no details were ever given.

After private discussion with Ms. Sorem, Mr. Sack requested a one week continuance to May 19, 1993, to allow the applicant to contact protesting parties about waiving notice.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **7-1-1** (Broussard, Carnes, Dick, Horner, Midget, Neely, Wilson "aye"; Doherty "nays"; Parmele "abstaining"; Ballard, Buerge absent") to **CONTINUE** PUD 405 and Z-5722-SP-3 to May 19, 1993.

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ZONING PUBLIC HEARING

Application No.: **Z-6401** Present Zoning: CS, OM & PUD 260A
Applicant: Tom Kivel Proposed Zoning: CS, & PUD 260-A
Location: North and east of the northeast corner of 71st Street South and Yale Avenue
Date of Hearing: May 12, 1993
Presentation to TMAPC: Tom Kivel

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 and Development Sensitive.

According to the Zoning Matrix the requested CS District may be found in accordance with the Plan Map. All zoning districts are considered may be found in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is approximately 6 acres in size and is located north and east of the northeast corner of 71st Street S. and Yale Avenue. It is nonwooded, gently to steeply sloping, vacant, and is zoned CS, OM and PUD 260-A.

Surrounding Area Analysis: The tract is abutted on the north by vacant property and multistory office buildings to the northeast zoned CS, OM and PUD 455; on the east by a QuikTrip and office complex zoned CS, OM and PUD 429 and PUD 442; on the south by a shopping center and office building across 71st Street zoned OM and PUD 208; and on the west by a restaurant in PUD 260-A and across Yale Avenue by an office complex zoned CS and PUD 260-A and OM respectively.

Zoning and BOA Historical Summary: CS zoning has been approved as part of a PUD proposal on portions of the subject tract and tracts to the north, east and southwest.

Conclusion: Staff can support the requested CS zoning, but only as part of a PUD proposal as has been done on previous rezoning applications in this area. CS zoning without the added design requirements of a PUD can not be supported by Staff.

Therefore, Staff recommends **APPROVAL** of Z-6401 for CS with the continuation of PUD 260-A.

Staff Comments

Mr. Gardner noted that rezoning of this property to CS will not remove the PUD; the only means to remove the PUD is through an abandonment. He advised that if the applicant desires to abandon the PUD then Staff would have a different recommendation.

There were no interested parties in attendance.

Interested Parties

Tom Kivel **Triad Center, Ste. 240, 74133**

Mr. Kivel assured the Planning Commission that it is the intent of the applicant to file a major amendment to the PUD which will better utilize the property.

TMAPC Action; 9 members present:

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Parmele absent") to recommend **APPROVAL** of Z-6401 for CS zoning as recommended by Staff.

LEGAL DESCRIPTION

Lots 1 and 4, and all of Reserve A, Hyde Park, Tulsa County, Oklahoma.

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ZONING PUBLIC HEARING

Application No.: **PUD 498/Z-6402** Present Zoning: CO
Applicant: Roy Johnsen Proposed Zoning: CS/PUD 498
Location: East of the Southeast corner of Mingo Road and 71st Street South
Date of Hearing: May 12, 1993
Presentation to TMAPC: Roy Johnsen

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the portion of the subject property which is zoned CO, Low Intensity -- No Specific Land Use and Corridor.

According to the Zoning Matrix the requested CS District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 11.4 acres in size and is located east of the southeast corner of Mingo Road and 71st Street South. It is partially wooded, gently sloping, vacant and is zoned CS and CO.

Surrounding Area Analysis: The tract is abutted on the north by vacant land which is under development as a shopping center zoned CS, CO and PUD 468; on the east by vacant land zoned RM-2 and OL; on the south by apartments and a parcel delivery service zoned CS and CO; and on the west by a shopping center zoned CO.

Zoning and BOA Historical Summary: CS zoning has been approved in conjunction with a PUD along the north side of 71st Street to the depth of 330' away from the node and a greater depth at the nodes.

Conclusion: Since this tract is also proposing a PUD (PUD 498) in conjunction with the requested rezoning, Staff can support rezoning the north 330' of the CO zoned area and the remainder of the CO area to OM with the accompanying PUD.

Therefore, Staff recommends **APPROVAL** of Z-6402 for CS zoning only to a depth of 330' from the centerline of 71st Street in the CO zoned portion of the tract and OM zoning on the remainder of the CO zoned portion, subject to approval of PUD 498.

and

PUD 498 East of the southeast corner of 71st Street South and Mingo Road.

The applicant is proposing a commercial development with possible mini-storage on the southeast portion of the PUD. Four development areas are proposed with one containing 10.45 of the 14.79 acres in the PUD. The large tract is proposed to contain 135,000 SF of CS permitted uses. The PUD is currently zoned CS and CO, but

accompanying zoning case Z-6402 proposes to rezone the entire tract CS.

Due to the development approved to the north, and already in place to the west and south, Staff can generally support the PUD if modifications are made in the permitted uses, sign requirements, landscaped area and screening requirements to provide protection for the residential development to the south.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 498 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 498 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. **Development Standards:**

Land Area	(Gross)	16.64 acres
	(Net)	14.79 acres

Lot 1, Block 1

Land Area (Net)	10.45 acres
Permitted Uses	As permitted by right within a CS District except Use Unit 12a and Dance Halls are prohibited.
Maximum Building Floor Area	*135,000 SF
Maximum Building Height	41'
Minimum Building and outdoor display of Merchandise Setback:	
from centerline of 71st Street	110'
from west and east lot boundaries	50'
from south lot boundary	40'
Minimum Landscaped Open Space	10% (net)

Maximum Permitted Signage

*Ground Signs - one is permitted on the 71st Street frontage with a maximum height of 25' and maximum display surface area of 200 SF.

Wall Signs - signs are permitted on the west, north and east walls and shall not exceed 1 1/2 SF of display surface area per lineal foot of building wall to which they are affixed.

Lot 2, Block 1

Land Area (Net) 1.55 acres

Permitted Uses As permitted by right within a CS District except dance halls are prohibited.

Maximum Building Floor Area 7,000 SF

Maximum Building Height 26'

Minimum Building Setbacks

from centerline of 71st St.	110'
from east and south lot boundaries	20'
from west lot boundaries	50'

Minimum Landscaped Open Space 10% (net)

Maximum Permitted Signage

Ground Signs - two signs are permitted on the 71st Street frontage. One with a maximum height of 25' and display surface area of 150 SF and one with a maximum height of 6' and display surface area of 70 SF.

Wall Signs - signs shall not exceed a display surface area of 1 1/2 SF per lineal foot of building wall to which they are affixed.

Lot 3, Block 1

Land Area (Net) 1.55 acres

Permitted Uses* Mini-storage, excluding outdoor storage, and as permitted by right within a CS district, except Use Unit 12a and dance halls are prohibited.

Maximum Building Floor Area *35,000 SF

Maximum Building Height 14'

Minimum Building Setbacks:

From north and west lot boundaries	20′
From south boundary	25′
From west boundary	30′

Minimum Landscaped Open Space 10% (net)

Maximum Permitted Signage

Ground sign - one ground sign along the south boundary of the lot is permitted with a maximum height of 6′ and display surface area of 40 SF.

Wall signs - signs are only permitted on the north, south and west walls of buildings and shall not exceed a display surface area of 1/2 SF per lineal foot of building wall to which they are affixed.

Lot 1, Block 2

Land Area 1.24 acres

Permitted Uses* Mini-storage, excluding outside storage and Use Units 8 and 11

Maximum Building Floor Area *28,000 SF

Maximum Building Height 14′

Minimum Building Setbacks

From west, east and south boundaries	20′
From north boundary	25′

Minimum Landscaped Open Space 10% (net)

Maximum Permitted Signage

Only one business sign is allowed. If it is a ground sign it must be on the northern boundary and is permitted to a maximum height of 6′ and display surface area of 70 SF. If it is a wall sign it is only permitted on the north building wall and shall not exceed a display surface area of 70 SF.

*Not approved by TMAPC. See motion for changes.

3. A screening fence shall be provided on the boundaries of Lot 3, Block 1, and Lot 1, Block 2, which abut residentially zoned or developed property.

4. If mini-storage is developed on either Lot 3, Block 1, or Lot 1, Block 2, no openings to storage areas shall be visible standing at ground level on the east or south boundaries of the PUD.

5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 14 feet in Lot 1, Block 2.

10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.

11. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City beneficiary to said Covenants.

12. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Staff Comments

Mr. Gardner pointed out that Staff did not require a screening fence south of the Home Depot structure since that is a triangular area and deemed it would be better served by landscaping. He emphasized that when the landscaping plan is presented, Staff will require extensive landscaping on the triangular-shaped area behind the service drive.

Applicant's Comments

Mr. Johnsen presented photographs of the subject tract. He gave a detailed description of the subject tract and area surrounding it. Mr. Johnsen advised that the contract on this property for the sale of the parcel for Home Depot calls for 145,000 SF; therefore, he requests that this be increased from the Staff recommendation of 135,000 SF. He noted that this is 3,000 SF over what is permitted by the zoning being sought. Mr. Johnsen disclosed that this 3,000 SF will be reallocated from Lot 3, Block 1 and Lot 1, Block 2.

Mr. Johnsen addressed the sign requirement. He understands that within a PUD a 25' height limitation is required plus up to 40' for each foot of setback that the sign is moved away from the street. Mr. Johnsen advised that the applicant is proposing a 40' sign and that the sign sets back 15'. Mr. Johnsen advised that Staff recommends one ground sign. He explained that the applicant will have a sign on the fencing around the garden area and voiced concern over interpretation that a sign on a fence is considered the same as the ground sign. Mr. Johnsen asked that the signs permitted be modified to permit two ground signs in the Home Depot lot, Lot 1, Block 1, one of which may be this 30 SF sign at the entry to the nursery facility. He advised that this is still below the permitted sign area.

Mr. Johnsen advised that the southern two lots on the east boundary of the property are being retained in the ownership of the present owner and have been identified as potential use for mini-storage. Mr. Johnsen requested that there be some opportunity for boat-type storage. He asked that 30% of the southernmost lot be allowed for open air storage, and that it be interior and substantially separated from the street frontage by buildings.

In response to question from Mr. Broussard, Mr. Johnsen indicated on the map the locations for potential mini-storage and where the open air storage would be located.

Mr. Gardner advised that Staff can support Mr. Johnsen's amendments with the exception that the record be clear that the 30% of open storage be interior and screened from view, especially along the street. Mr. Gardner advised that a detailed site plan will be provided and that everyone understands that Staff would support some open storage, up to 30% for Lots 2 and 3, provided that it is interior and cannot be viewed from the interior street and is properly screened from abutting properties to the east.

Interested Parties
Dan Tanner **6202 S. Lewis 74136**

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, absent") to recommend **APPROVAL** of CS zoning for Z-6402 and PUD 498 per Staff recommendation with the following modifications.

Lot 1, Block 1

Maximum Building Floor Area 145,000 SF

Maximum Permitted Signage

Two grounds signs - one sign allowed to a maximum height of 40' and display surface area of 200 SF, providing the sign is setback one foot for every foot above 25', and one sign which is a maximum of 30 SF and is attached to the fence at the entry to the nursery facility.

Lot 3, Block 1

Maximum Building Floor Area 33,350 SF

Lot 1, Block 2

Maximum Building Floor Area 26,650 SF

Open air storage is allowed in mini-storage areas in Lot 1, Block 2 or Lot 3, Block 1 if it is substantially screened from the street by building walls.

LEGAL DESCRIPTION PUD 498

Legal Description: An unplatted tract of land located in Section 7, Township 18 North, Range 14 East within Tulsa County, Oklahoma, being more particularly described as follows: Commencing at the northwest corner of said Section 7 thence South 89°46'13" East along the north boundary of said Section a distance of 309.90' to the Point of Beginning; thence continuing due south along the easterly boundary of East Point Center a distance of 702.82' to a point on the northerly boundary of Lot 1, Block 1, Stonecreek III, Plat No. 4621; thence South 89°45'58" east along said north boundary a distance of 199.12'; thence South 45°00'00" East a distance of 168.05' to a point on the easterly right-of-way for East 73rd Street South; thence along said right-of-way a distance of 200.51' to a point; thence South 45°00'00" East a distance of 60.00' to the northerly most corner of Lot 1, Block 2, Stonecreek II, Plat No. 4324, thence continuing South

45°00'00" east along the boundary of said Stonecreek II Addition, a distance of 255.49'; thence due East a distance of 234.22' to the north east corner of said Lot 1, Block 2, Stonecreek II, thence North 0°09'58" East along the easterly boundary of Government Lot 1, Section 7, a distance of 900.09' to a point on the northerly boundary of Section 7 and the centerline of East 71st Street South; thence North 89°46'13" West along said section line a distance of 919.48' to the point of beginning.

LEGAL DESCRIPTION Z-6402

Rezone the following tract CS.
A tract of land within the NW/4 of Section 7, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma more particularly described as follows: Beginning at the northwest corner of Section 7, T-18-N, R-14-E, thence 635.6' east to the POB; thence due south 330.00'; thence south 89°46'13" east a distance of 593.00' to a point on the westerly boundary of Chancellor Acres, Plat No. 781, thence north 0°09'58" east a distance of 330.00' to a point on the north boundary of said Section 7; thence north 89°46'13" west along the centerline of E. 71st St. South, 593.96' to the POB.

Rezone the following tract OM.
A tract of land within the NW/4 of Section 7, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at the northwest corner of Section 7, T-18-N, R-14-E, thence 635.6' east, thence due south 330.00' to the POB; thence south 89°46'13" east a distance of 593.00' to a point on the westerly boundary of Chancellor Acres, Plat No. 781, thence south 0°09'58" west a distance of 570.09'; thence due west a distance of 234.22'; to the north boundary of Stonecreek II, Plan No. 4324; thence north 45°0'0" west along said boundary a distance of 315.50'; thence south 45°0'0" west a distance of 200.51'; thence north 45°0'0" west a distance of 168.05'; thence due east a distance of 126.58'; thence due north 372.80' to the POB.

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ZONING PUBLIC HEARING

Application No.: **PUD 499** Present Zoning: RS-2
Applicant: Jerry L. Kerin Proposed Zoning: RS-2/PUD
Location: North of the northwest corner of Columbia Place and 53rd Street South.
Date of Hearing: May 12, 1993
Presentation to TMAPC: Jerry L. Kerin

The applicant is proposing a residential PUD containing three single-family dwellings on a one acre lot zoned RS-2. Access would

be provided via a private drive and turnaround on the north side of the lot. A common area is also proposed.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 499 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 499 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

Land Area	(Gross)	43,560 SF
	(Net)	40,260 SF
Permitted Uses	Use Unit 6 and customary accessory uses.	
Maximum Dwelling Units		3
Minimum Lot Size		8,600 SF
Maximum Height		35'
Minimum Livability Space per Lot		4,500 SF
Minimum Building Setbacks		
From north and south boundaries of PUD		10'
From west boundary of PUD		25'
From centerline of Columbia Place		55'
From private drive easement line		20'
From all other lot lines		5'

Minimum Off-street Parking

Each lot containing a dwelling shall have two spaces in a garage and an additional two spaces in the driveway. There shall also be five spaces provided in the common area. Compact spaces shall not be allowed.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any private drives and stormwater detention areas within the PUD.

4. All private roadways shall be a minimum of 20' in width for two-way roads and 18' for one-way roads, measured face-to-face of curb or edge-to-edge of paving if center drained streets area used. All private roadways and turnarounds shall provide a roadway easement at least 10'

greater than the pavement width. The minimum diameter of a turnaround on a cul-de-sac of 150' in length or less shall be 60', if greater than 150' it shall be at least 80'.

5. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City beneficiary to said Covenants.

6. Subject to review and approval of conditions as recommended by the Technical Advisory Committee, unless in conflict with the conditions proposed by Staff.

Staff Comments

Mr. Gardner noted that in reviewing this application, the northeast corner of 53rd & Columbia has a similar situation with three houses on it, but it has a public street on two sides. He advised that this project may be possible with a corner lot, but to accomplish this same result with any type of interior lot must be done under a PUD with a private street system. The area to the south, PUD 452, is an area which was resubdivided and redeveloped and was primarily an open area when it was resubdivided.

Mr. Gardner stressed that in order to meet conditions in item #4, the applicant could not develop the length of private street that he is proposing. The Fire Department advises that any street that has a length of 150', from the center of the cul-de-sac back, should have 26' of paving with an 80' radius. Mr. Gardner declared that the plot plan provided by the applicant cannot be accomplished and meet Staff or Fire Department requirements.

Mr. Doherty informed that under discussion in the subdivision review process is the rationale for the requirement on the length and width of pavement. Mr. Doherty asked if the Planning Commission has the authority, should they find the design feasible, to waive the part of subdivision regulations for a PUD to facilitate a design such as this.

Mr. Gardner reminded the Planning Commission that the fire department requires an 80' turnaround; however, the Planning Commission has the authority to approve a subdivision plat that does not meet all the TAC standards. As a general rule the Planning Commission has not done so.

Mr. Linker advised that the Planning Commission can waive items such as this, and it is done during the platting process.

Applicant's Comments

Jerry Kerin **5151 E. 51st Street**

Mr. Kerin addressed the length of the private road and acknowledged that it was his interpretation that the 150' was measured from the

property line as opposed to the center line of the street. He noted that the placement of the turnaround and length of the street can be shortened and still maintain the three-lot configuration. Mr. Kerin advised that existing structures need to be removed and he wishes to construct new homes compatible with existing homes. He advised that considerable effort has been made to design homes for the subject lots that preserve existing trees.

Interested Parties

John Randolph **5248 S. Atlanta Avenue 74105**

Mr. Randolph, president of Lewis Crest Neighborhood Association, advised that the subject tract is located in an older neighborhood consisting of large lots, many trees, and in a quiet part of town. He voiced concern over drainage and property maintenance, noting that current owners are having difficulty in maintaining the property. He cited as an example a tree which fell six months ago onto adjoining fences sustaining damage which has not been cleaned up. Mr. Randolph asked the Planning Commission to place conditions on the development of the property such that it is developed in the manner which has been represented to area residents, i.e. quality of structures, landscaping, common area, etc.

Mr. Parmele asked Mr. Randolph if he was opposed to development of the subject tract.

Mr. Randolph advised that he was not opposed to development, but wishes to ensure that conditions are placed on it to ensure quality development.

Eloise Thomas **5223 S. Columbia 74103**

Ms. Thomas, representing area residents, advised that at this point most residents have no objection to three houses being constructed on the subject tract. She expressed concern over existing storm sewer drainage problems and additional drainage problems to which new construction will contribute. Ms. Thomas perceives that there are some objections because residents want to know more detail, i.e. where the structures are to be placed, distance from surrounding property lines, and increased traffic flow. She cited that because three Hissom homes are in the area there are existing street parking problems. Ms. Thomas noted that recently PUD 295 RT was approved for townhouses and some of the conditions promised have not been met, i.e. large trees not to be removed, landscaping, etc., none of which were completed. She expressed concern over the subject tract being connected to sewer. Ms. Thomas also made reference to a fallen tree that, as yet, has not been removed. She declared that since owners have been uncooperative in removing the tree, residents fear they may be uncooperative in other instances.

Mr. Horner asked if there has been any attempt by the property owner to meet with area residents.

Ms. Thomas advised that no contact has been made.

Mr. Horner stated that it would behoove both parties to meet to address concerns.

Applicant's Rebuttal

Mr. Kerin advised that there has not purposely been an attempt to exclude area residents. He advised that objections posed were first brought to his attention this morning. Mr. Kerin advised that he will be glad to meet with residents to resolve differences.

Mr. Carnes commented on the preservation of trees.

Mr. Kerin assured the Planning Commission that he has drawings to support creation of courtyards within the floor plans so that many trees can be preserved. He assured the Planning Commission that the owner is concerned about not causing a detriment to the neighborhood.

Mr. Gardner noted that with a private street it is more conducive to work around existing trees.

TMAPC Review Session

Mr. Carnes advised that with the information presented that he cannot support this PUD. Possibly if additional information were available to see how the project might be constructed, he might support the application, but at present he fails to see how it can be in accordance with the neighborhood. Mr. Carnes advised that he would like to review design work to indicate feasibility.

Mr. Parmele advised that if the applicant is given consent today that the broad outline and conditions are in acceptance, then he can expend additional time and money to develop a detail site plan, indicate elevations, footprints of the structure, etc. He stated that the Planning Commission needs to decide if this is an appropriate land use and if three dwelling units are appropriate in this area with conditions attached.

Mr. Broussard expressed agreement with Mr. Parmele, and stated that if the applicant can design a plan that complies with Staff's recommendations then he deserves the opportunity to do so. He also suggested that the applicant meet with area residents to devise a solution.

Chairman Doherty noted constraints from the Fire Marshall's requirements for subdivision regulations. He declared that the Planning Commission is not required to approve any site plan that does not meet all of those requirements. Chairman Doherty advised that the fact that the Planning Commission approve the PUD as presented does not mean that the applicant can build it under those circumstances should he not be able to meet those requirements. He shared concerns that it will be difficult to make the project work and be in harmony with the neighborhood.

Mr. Neely declared that if similar construction is allowed among the remainder of lots available, it will significantly change the

character of the neighborhood and he does not think it is good planning to have a series of cul-de-sacs coming off a residential street which may be created. Mr. Neely believes the lot splits that have occurred on 53rd Street were appropriate because they were at the end of the block, but is uncertain that this will set up a good design and plan if this is allowed to proliferate within the interior.

Chairman Doherty noted that the private cul-de-sac in question appears to be different from a usual cul-de-sac, since it is in essence a common driveway for three houses that would basically face each other. He stated that he is more inclined to approve a private street where it preserves some of the older trees which are an asset to the neighborhood. Chairman Doherty emphasized that he would carefully scrutinize the design standards should this be approved.

Chairman Doherty asked Mr. Linker what the next step would be if the Planning Commission approves the PUD and the applicant is unable to present a site plan which meets subdivision regulations or does not receive TMAPC approval.

Mr. Linker advised that a problem is created if the Planning Commission rezones a tract that is impossible to develop as the applicant wishes. He stated that if the Planning Commission feels this is the situation then they may want more detail now before the PUD is approved.

Mr. Carnes suggested continuing this item for two weeks to allow the applicant time to sketch dwelling locations, meet with area residents and present results to the Planning Commission.

It was the consensus of the Planning Commission to not continue this item, but vote on it to let the applicant know whether or not to proceed with the project.

Mr. Parmele stated that the interested parties are not expressing opposition to the maximum number of dwelling units, if they are constructed in a manner which will afford them the greatest protection. This will be revealed through the detail site plan.

The Planning Commission expressed concern over the ability to get three dwellings on the tract.

TMAPC Action; 8 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **5-3-0** (Broussard, Dick, Doherty, Horner, Parmele, "aye"; Carnes, Midget, Neely, "nay"; no "abstentions"; Ballard, Buerge, Wilson, absent") to recommend **APPROVAL** of PUD 499 as recommended by Staff and the following additional condition. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all building elevations, tree locations, and a floor plan of the dwelling has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

LEGAL DESCRIPTION

Lot 11, Bethel Union Heights, Tulsa County, Oklahoma.

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PUD 288-10: Minor Amendment to a required yard [Lot 16, Block 1, Eight Acres]

The applicant is requesting a reduction in required yard abutting Birmingham Place from 35' to 30' on Lot 16, Block 1, Eight Acres. The Eight Acres Homeowner's Association has reviewed and approved the request. TMAPC under the provisions of PUD 288 can approve reduced required yards as part of their review of the site plan. Since only corners of the proposed dwelling infringe on the required yard, Staff recommends approval of the minor amendment per the submitted site plan and approval of the site plan.

There were no interested parties present.

TMAPC Action; 8 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Wilson, absent") to **APPROVE** PUD 288-10 Minor Amendment as recommended by Staff.

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PUD 272-A Minor Amendment and Detail Site Plan -- West of the southwest corner of 81st Street South and Sheridan Road

The applicant is requesting approval of a 8' x 7' building selling snow cones and a 20' x 30' tent selling produce. These uses were approved last year for one year, but since that time tent sales of produce has become a Use Unit 2 when they are not accessory to a principle use on the lot. There is presently no use on the subject tract, therefore the produce sales are a Use Unit 2 which is not

permitted under the PUD standards. Since CS uses are allowed in this area, Staff recommends the TMAPC handle this as a minor amendment to allow the tent produce sales. No notice of the minor amendment has been given, but no complaints were received by TMAPC Staff concerning last years tent sales.

Therefore, Staff recommends **APPROVAL** of the Minor Amendment and **APPROVAL** of a Detail Site Plan subject to the following conditions:

1. All tents, merchandise and buildings are setback at least 100' from the centerline of 81st Street and the west boundary of the PUD.
2. A minimum of 3 off-street parking spaces be provided.
3. The tent and temporary building must be removed from the site by October 15, 1993 and any subsequent tent or open air sale must be given a new site plan approval by TMAPC.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Wilson, absent") to **APPROVE** PUD 272-A-1 Minor Amendment and Detail Site Plan as recommended by Staff.

Mr. Gardner pointed out that in the future the applicants need to begin the process earlier. He asked the Planning Commission that since the ordinance has changed if they would object to sending applicants to the Board of Adjustment as other applicants must do in non-PUDs for tent sales. He pointed out that from an equity standpoint all must pay the same fee, get the same 300' notice and everybody is involved in the process. Mr. Gardner noted that these are temporary and not part of the permanent PUD.

Chairman Doherty asked that this be discussed at the next Rules and Regulations Committee meeting.

Mr. Linker advised that this subject has been discussed by the Legal Department and felt that the Planning Commission has the leeway to treat such items as a minor amendment.

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PUD 489 Detail Site Plan Lot 5, Block 1, 71 Mingo Center --- Northeast corner of 71st Street South and Mingo Road

Staff has reviewed the proposed site plan for an El Chico restaurant on Lot 5, Block 1 of "71 Mingo Center" and finds it to be in accordance with the PUD Development Standards.

Therefore, Staff recommends **APPROVAL.**

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Wilson, absent") to **APPROVE** PUD 489 Detail Site Plan as recommended by Staff.

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Mr. Broussard asked for an update of the situation with Wal-Mart at 71st and Riverside regarding use of the parking lot for outside storage.

Mr. Gardner advised that Mr. Stump would report on the situation at next week's meeting.
The Planning Commissioners expressed concern over the procedure of obtaining property owners' names and addresses from the County Assessor's records and a discussion ensued regarding alternatives.

Mr. Linker advised that if the issue of notice is not raised, then there is no problem.

Chairman Doherty asked Mr. Parmele to take this matter up in the Rules and Regulations Committee.

There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved: 5-26-93

Chairman

ATTEST:

Secretary Vice-Chair